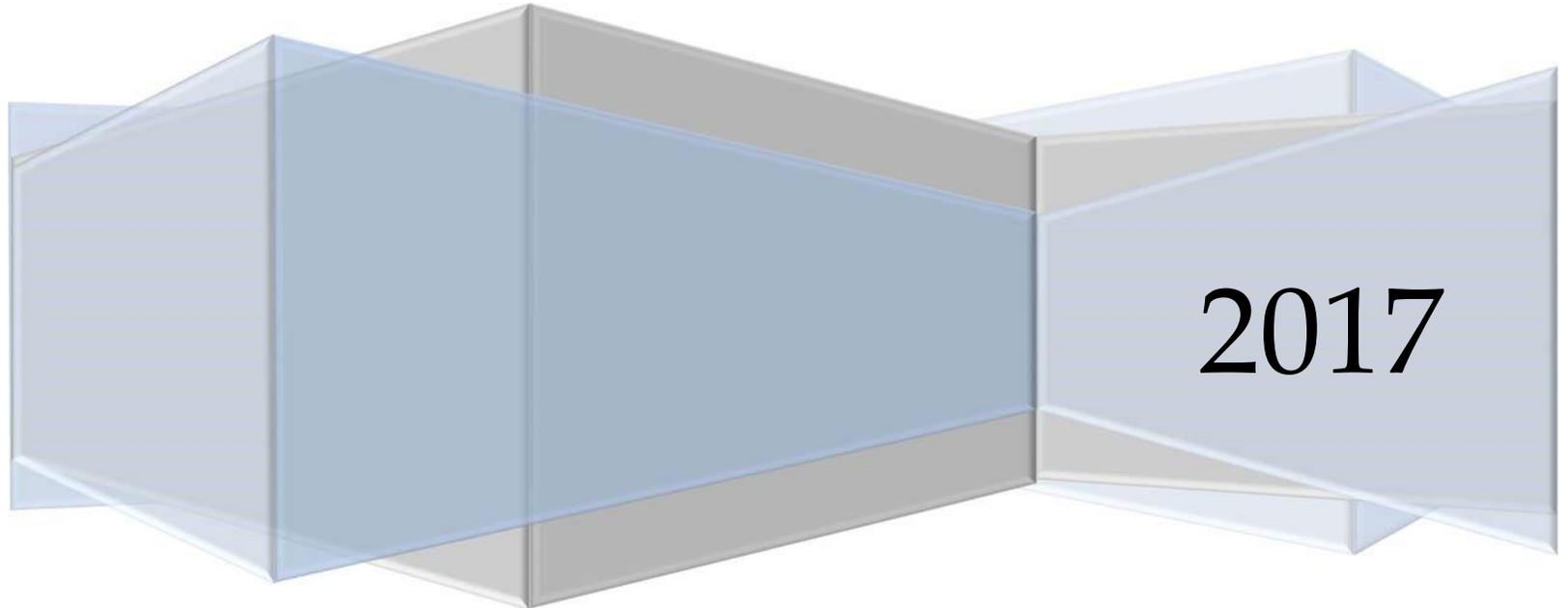


DAJD PREA Annual Report

2017 Reported Incident Data

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2017

Contents

PREA Intent, Purpose & Background 3

Set of Definitions/Acronyms: 4

Population Information..... 6

PREA Cases & Allegations/Reports 7

 PREA Allegations by Facility 8

 Findings of Allegation Investigations 8

 PREA Allegations by Investigation Determination 10

Sexual Abuse Incident Review Committee 11

Summary of Corrective Actions 11

 King County Correctional Facility (KCCF) 11

 Regional Justice Center (RJC) 11

 Juvenile Detention Facility 12

 Work, Education & Release (WER) 12

References 12

Appendix A. PREA Annual Report Methodology..... 13



Department of Adult
& Juvenile Detention

PRISON RAPE ELIMINATION ACT (PREA) ANNUAL REPORT

This Annual Report of the King County Department of Adult & Juvenile Detention includes PREA information for the Adult Jails (KCCF & RJC), Juvenile Facility, and Work Release (WER).

PREA Intent, Purpose & Background

The Prison Rape Elimination Act (PREA) was established in 2003 to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. Major provisions of PREA include the development of standards for detection, prevention, reduction and punishment of prison rape. The Act applies to all public and private institutions that house adult or juvenile offenders and is also relevant to community-based agencies. DAJD has adopted a zero tolerance policy on issues pertaining to sexual abuse and sexual harassment involving inmates and is working continuously to implement new policies, training requirements for staff and inmates, and standards for detection, prevention, reduction and punishment of prison rape.

PREA requires that each facility collect and review data "...in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies and training" (Standard 115.88a). In addition, PREA requires all correctional facilities to conduct sexual abuse incident reviews and collect "accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions." (Standard 115.87 a).

Annual reports from prior years can be retrieved online at:
<https://www.kingcounty.gov/depts/jails/prison-rape-elimination-act.aspx>

Set of Definitions/Acronyms:

ADP: Average Daily Population

Allegation: A claim or assertion that someone has done something illegal or wrong, typically one made without or prior to proof. The term "PREA Allegations/Reports" refers to claims made by each and every victim and suspect involved in a PREA Case to ensure all distinct attributes (race, gender, age, etc.) are acknowledged and included in the data provided.

BJS: Bureau of Justice Statistics

DOJ: Department of Justice

Inmate Nonconsensual Sexual Act/Abuse: Any of the following acts between inmates, detainees, or residents if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse: contact between genitals, between mouth and genitals, penetration of genital or anal opening of another person, however slight, by a hand, finger, object, or other instrument; intentional touching, either directly or through clothing of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation. [PREA 28 CFR Part 115]

Inmate Sexual Harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another. [PREA 28 CFR Part 115]

KCCF: King County Correctional Facility

PREA: Prison Rape Elimination Act

PREA Allegation/Report: Counts each and every victim and suspect involved in PREA Cases to ensure all distinct attributes (race, gender, age, etc.) are acknowledged and included in the data provided. The data in these tables will not match the exact number of PREA Cases due to multiple victims or suspects included in some PREA Cases.

PREA Case: A situation or set of incidents that may involve the same victims and suspects on particular incident date(s). We see each PREA Case as a set of alleged actions linked together by virtue of the same incident date and suspect(s) or different dates involving the same victim and suspect over time.

RJC: Regional Justice Center

RJC: Regional Justice Center

SAIRC: Sexual Abuse Incident Review Committee

Staff Sexual Harassment: Repeated and unwelcome verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. [PREA 28 CFR Part 115]

Staff Sexual Misconduct/Abuse: [paraphrased from PREA 28 CFR Part 115] Any of the following acts toward an inmate by a staff member, contractor, or volunteer with or without consent: contact between

genitals, between mouth and genitals, penetration of genital or anal opening, however slight, by a hand, finger, object, or other instrument; intentional touching/contact, either directly or through clothing of the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to official duties or where the staff member, contractor or volunteer has the intent to abuse, arouse, or gratify sexual desire; any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities above; display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate and voyeurism by a staff member, contractor or volunteer. [PREA 28 CFR Part 115]

Substantiated Allegation: *Allegation that was investigated and determined to have occurred [PREA 28 CFR Part 115.5].*

Unfounded: *Allegation that was investigated and determined not to have occurred [PREA 28 CFR Part 115.5].*

Undetermined: *Allegation whose investigation is not yet closed (i.e. open, underway).*

Unsubstantiated Allegation: *Allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred [PREA 28 CFR Part 115.5].*

WER: *Work, Education & Release*

Population Information

Table 1. 2012 - 2017 Average Daily Population (ADP), by Facility

	2012	2013	2014	2015	2016	2017
KCCF	1,110	1,101	1,138	1,129	1,139	1,189
RJC	646	696	771	795	776	882
Juvenile	68	58	57	60	50	50
WER	153	133	142	88	70	80

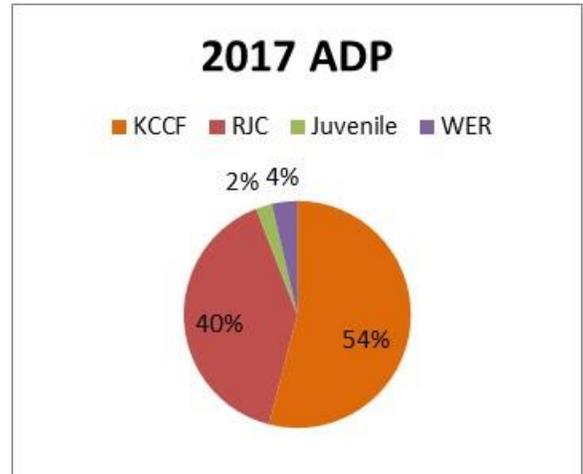


Figure 1. 2017 Average Daily Population (ADP), by Facility

Additional information regarding our Average Detention Population (ADP) data such as gender, age, race/ethnicity can be found on our DAJD statistic website here:

<https://www.kingcounty.gov/depts/jails/about/dajd-stats.aspx>

PREA Cases & Allegations/Reports

This section presents data on allegations, the nature of the allegation, and the findings of a thorough investigation into each allegation. DAJD tracks all allegations (included attempted acts) reported as potentially sexual abuse and sexual harassment.

Important Information: The following data counts PREA *allegations* in order to count each and every alleged victim and suspect involved in a PREA case and to ensure all distinct attributes (race, gender, age, etc.) are acknowledged and included in data. To distinguish between terms, we see each PREA case as a set of alleged actions linked together by virtue of the same incident date and suspect(s) or different dates involving the same victim and suspect over time. The number of PREA allegations may not match the exact number of PREA cases because multiple victims or suspects may be included in PREA Cases.

PREA Allegations by Facility

Table 2 indicates the number and location of allegations reported to DAJD. The Department provides multiple reporting methods to encourage reporting. In 2017, the most common method used was by reporting to staff. Other forums used this year included (listed in order of frequency): reports through a direct line to the King County Ombudsman's Office, paper forms (grievances and "kites"), and then other forums such as reporting to the Sheriff's office.

The Department may receive an allegation that an inmate was sexually abused while confined at another facility. The "other" facility category indicates when the location is unknown or external to DAJD (see Table 2). In these cases, DAJD ensures that the head of the facility or appropriate office of the agency where the alleged abuse occurred is notified.

Table 2. 2012 – 2017 PREA Allegation, by Facility

	2012	2013	2014	2015	2016	2017
Total	11	44	63	54	61	55
KCCF	8	25	45	39	40	34
RJC	0	12	10	14	14	17
Juvenile	3	5	3	0	3	1
WER	0	0	3	0	1	0
Other	0	2	2	1	3	3

Findings of Allegation Investigations

DAJD ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Table 3 indicates the findings of all investigations. Figures 2 and 3 show the relative frequency of findings across years. An investigation may find that the allegation is not an incident of sexual abuse or harassment (designated "other"), or that evidence determined the allegation not to have occurred (designated as "unfounded"). These "other" and "unfounded" allegations are tracked and reported as a useful indicator that the venues for reporting and investigation are accessible to the inmate and staff population.

The other type of finding may be that the allegation is unsubstantiated, substantiated, or undetermined at the time of this report. Undetermined indicates the allegation is still under investigation at this time. Substantiated allegations have been closed as determined to have occurred, while unsubstantiated allegations have been closed with the investigation producing insufficient evidence to make a final determination. Allegations closed as substantiated and unsubstantiated are subject to even further review, as discussed in the next section.

Figure 4 indicates the location of allegations while table 4 indicates the nature of the allegation, for those investigations that are still open (undetermined) as well as those closed as unsubstantiated or substantiated. Results indicate the incidence of inmate on inmate (IM/IM) or staff on inmate (Staff/IM) sexual abuse and sexual harassment.

Note: Where there were multiple descriptions per report, the most severe allegation is counted. Data counts allegations and is current as of this year. Data from prior year reports may not match this report, due to

findings of (now) closed cases reported as “undetermined” in past years. Two cases are open (undetermined) as of the date of this report.

Table 3. 2017 PREA Allegation Findings of Investigations, by Facility

	<i>All Allegations</i>	Other	Unfounded	Undetermined	Unsubstantiated	Substantiated
All Facilities	55	35	15	2	1	2
KCCF	34	18	12	1	1	2
RJC	17	14	3	0	0	0
Juvenile	1	0	0	1	0	0
WER	0	0	0	0	0	0
Other	3	3	0	0	0	0

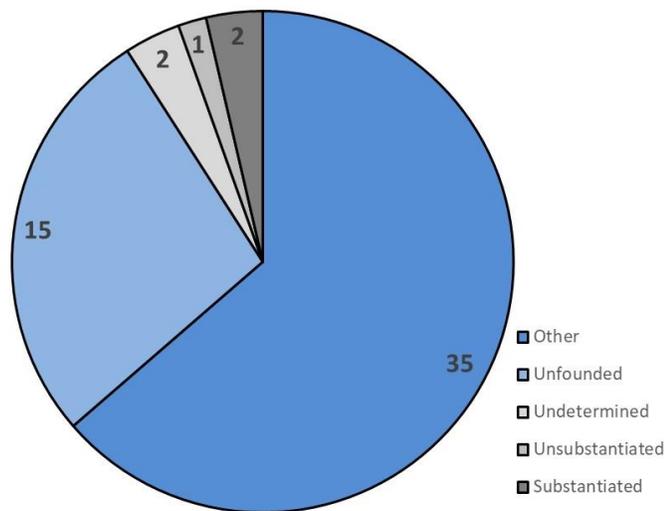


Figure 2. 2017 PREA Allegations, by Findings of Investigations, all Facilities

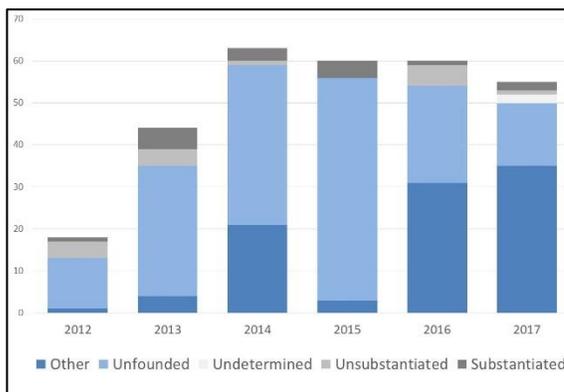


Figure 3. 2012-2017 PREA Allegations, by Findings of Investigations, all Facilities

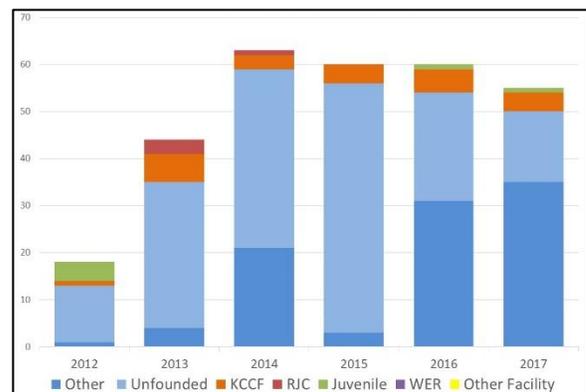


Figure 4. 2012-2017 PREA Allegations, by Facility

PREA Allegations by Investigation Determination

Table 4. 2012 – 2017 PREA Allegations by investigation determination.

	2012	2013	2014	2015	2016	2017
Total Allegations	18	44	63	60	60	55
Other Allegations	1	4	21	3	31	35
Unfounded Allegations	12	31	38	53	23	15
PREA Allegations: Unsubstantiated, Substantiated, Undetermined	5	9	4	4	6	5
IM/IM						
Inmate Nonconsensual Sexual Act/Abuse						
Substantiated	1	3	0	4	0	0
Unsubstantiated	1	1	0	0	2	1
Undetermined	0	0	0	0	0	0
Inmate Sexual Harassment						
Substantiated	0	2	3	0	1	2
Unsubstantiated	0	1	1	0	1	0
Undetermined	0	0	0	0	0	1
Staff/IM						
Staff Sexual Misconduct						
Substantiated	0	0	0	0	0	0
Unsubstantiated	1	1	0	0	2	0
Undetermined	0	0	0	0	0	1
Staff Sexual Harassment						
Substantiated	0	0	0	0	0	0
Unsubstantiated	2	1	0	0	0	0
Undetermined	0	0	0	0	0	0

Sexual Abuse Incident Review Committee

Department policy mandates zero tolerance toward all forms of sexual abuse and sexual harassment. The Sexual Abuse Incident Review Committee (SAIRC) was formed by DAJD in February 2013 to comply with PREA Standards 115.86 (Adult), 115.386 (Juvenile) and 115.286 (Community Confinement/WER) Sexual Abuse Incident Reviews. According to these standards, DAJD must conduct a sexual abuse incident review at the conclusion of each sexual abuse investigation except when the allegation is determined as unfounded. These reviews typically occur within 30 days of the conclusion of a PREA Case investigation. The review team includes upper-level management (with input from line supervisors) and medical or mental health practitioners. For each investigation the SAIRC reviews the following criteria:

1. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
2. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
3. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
4. Assess the adequacy of staffing levels in that area during different shifts;
5. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

Summary of Corrective Actions

During 2017, several changes were initiated in response to SAIRC review and to improve compliance with PREA standards. These efforts included:

King County Correctional Facility (KCCF)

- Establishment of PREA Audit Preparation Team – use of experts in each major service area to instill PREA into all facets of operations; Development of PREA Checklist;
- Preparation for the February 2018 DAJD PREA Audit that occurred at the Adult Facilities (KCCF and MRJC), to include review of: policy and procedure review and updates, form refinement, updating formal processes for response, establishing coordinated responses with internal and external agencies, enhancement of PREA training and specialized training in Transgender Policies, etc.;
- Reinforce and clarify processes, procedures and forms, to include a staff email reminder on how to contact Jail Health in cases of alleged misconduct or abuse;

Regional Justice Center (RJC)

- Establishment of PREA Audit Preparation Team – use of experts in each major service area to instill PREA into all facets of operations; Development of PREA Checklist;
- Preparation for the February 2018 DAJD PREA Audit that occurred at the Adult Facilities (KCCF and MRJC), to include review of: policy and procedure review and updates, form refinement, updating formal processes for response, establishing coordinated responses with internal and external agencies, enhancement of PREA training and specialized training in Transgender Policies, etc.;

- Reinforce and clarify processes, procedures and forms, to include a staff email reminder on how to contact Jail Health in cases of alleged misconduct or abuse;

Juvenile Detention Facility

- Preparation for the next PREA Audit;
- Development and refinement of policies, processes, procedures and forms;
- Continued Juvenile PREA Education enhancement upon entry/admission;

Work, Education & Release (WER)

- Review and refinement of PREA-related policies;
- Internal discussions/reviews for PREA-readiness in preparation for next audit.

References

- Data Sources:
 - DAJD Statistics and DAR Reports:
http://www.kingcounty.gov/courts/detention/DAJD_Stats.aspx
 - DAJD Director's PREA Log/Spreadsheet ○ DAJD PREA Compliance Environment
- Information Sources:
 - PREA Resource Center: <http://www.prearesourcecenter.org/>

Appendix A. PREA Annual Report Methodology

This appendix provides an overview of the general method and notes changes in data gathering practices over time. DAJD continues to strive for the most accurate and relevant information, including efforts to remain compliant with dynamic PREA standards. As a result, some aspects of the methodology change over time.

The DAJD methodology adheres to directives in PREA § 115.87 Data collection, § 115.88 Data review for corrective action, and § 115.89 Data storage, publication, and destruction. DAJD meets the PREA requirement to include data necessary to respond to the most recent version(s) of the Department of Justice Survey of Sexual Violence (since renamed to the Survey of Sexual Victimization) (SSV). The Department of Justice (DOJ) reports that the methodology changes slightly each year and varied between youth and adult collections. In 2005 BJS began gathering information on substantiated incidents of sexual victimization. In 2013 DOJ's Bureau of Justice Statistics (BJS) began collecting data on inmate-on-inmate sexual harassment. DOJ Survey of Sexual Violence data are collected on counts of sexual violence allegations for each year. If any allegations are substantiated, then further information is collected.

Data on the inmate population is already shared with the public. Additional information regarding our Average Detention Population (ADP) data such as gender, age, race/ethnicity, and new admissions can be found on our DAJD statistic website here:

- <https://www.kingcounty.gov/depts/jails/about/dajd-stats.aspx>
- https://www.kingcounty.gov/~media/courts/detention/documents/KC_DAR_02_2018.ashx?la=en

PREA Annual Reports provide to the public findings and corrective actions for each facility, as well as the agency as a whole. Data is aggregated and reported by calendar year, according to the date DAJD received the allegation. Data includes all reported allegations of acts and attempted acts, for both DAJD and non-DAJD facilities. While DOJ further disaggregates the PREA approved definition of "sexual abuse" into "nonconsensual acts" and "abusive sexual contact" in reporting, DAJD data aggregations retains the use of PREA terminology. Annual reports from prior years can be retrieved online at:

- <https://www.kingcounty.gov/depts/jails/prison-rape-elimination-act.aspx>

DAJD provides multiple avenues of reporting, records all reported acts and attempted acts, and then tracks DAJD response. The Department retains records of the full incident report and case history to allow SAIRB review for substantiated and unsubstantiated cases, and to enable retrospective review. Such case detail is sufficient to complete, if needed, the DOJ Substantiated Incident Form (Adult) on substantiated incidents of sexual victimization.